

# Review of External Boundaries

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**2018 FINAL DETERMINATION**

TOOWOOMBA REGIONAL &  
SOUTH BURNETT REGIONAL  
LOCAL GOVERNMENT AREAS

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## Background

On the 17 August 2018, the Honourable Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs, Stirling Hinchliffe MP, referred an application proposing a realignment of the common boundary between the Toowoomba Regional Council and South Burnett Regional Council.

The application proposes that—

- Lot 155 on FY2699 currently located in the South Burnett Regional Council

be transferred to the Toowoomba Regional Council.

The Change Commission for this review is comprised of the Electoral Commissioner, Mr Pat Vidgen, in accordance with Section 22 of the *Local Government Act 2009* (the Act).

The Change Commission is responsible for assessing whether a proposed local government change is in the public interest. In doing so, the Change Commission must consider—

- whether the proposed local government change is consistent with the Act;
- the views of the Minister about the proposed local government change; and
- any other matters prescribed under a regulation.

Section 19(3) of the Act provides that the Change Commission may conduct its assessment in any way that it considers appropriate including, for example—

- ask for submissions from any local government that would be affected by the proposed local government change; or
- hold a public hearing to ask the public for its views about the proposed local government change.

Given the minor nature of the proposed change, it was determined that a public hearing was unnecessary on this occasion and instead the Change Commission consulted with the single impacted land owner of Lot 155 on FY2699.

## Submissions

The Minister referred this matter to the Change Commission based on a submission received from the Toowoomba Regional Council. The Minister did not express a view for or against the proposal (see Appendix A). The Councils' submissions are included in Appendix B.

The Minister's referral included the Toowoomba Regional Council's submission supporting the transfer of Lot 155 on FY2699 to the Toowoomba Regional Council. The boundary anomaly was initially identified by the Department of Natural Resources, Mines and Energy, as noted in the Toowoomba Regional Council's submission. Minutes from the South Burnett Regional Council's General Meeting on 18 April 2018 were also included and note the recommended minor boundary change was carried unanimously by the Councillors.

Correspondence between the private owner of Lot 155 on FY2699 and the Department of Local Government, Racing and Multicultural Affairs was included in the Toowoomba Regional Council's submission. The land owner indicated 'in principle' support for the proposal (see Appendix B). The Change Commission contacted the land owner of Lot 155 on FY2699 on 9 October 2018 and received a written submission supporting the proposed transfer of the lot to the Toowoomba Regional Council (see Appendix C).

The Change Commission determined it was unnecessary to call for further submissions on this occasion as both of the Councils and the land owner support the proposed change.

## Findings

At present the common boundary between the two Councils dissects two lots, both owned by the same person. Section 9 of the *Local Government Regulation 2012* notes the external boundaries of a local government area should have regard for communities of interest and not dissect properties.

By changing the common boundary as proposed, the local government boundary will no longer dissect two lots owned by the impacted land owner. In doing so, the land owner's two lots will be included in a single Council area, helping to reduce the administrative burden of answering to two local governments. It will also create an easily identifiable common boundary by following the New England Highway.

In light of the considerations above and as all parties to this matter are in agreement with the proposed change, the Change Commission finds it to be in the public interest. The proposed boundary change is assessed as being consistent with the Act.



## **Recommendation**

After assessing the material submitted and having taken into account all considerations specified in the Act, it is recommended that—

- Lot 155 on FY2699 be transferred from the South Burnett Regional Council to the Toowoomba Regional Council. The lot is located in the locality of Neumgna.

See the overview and detailed maps in Appendix D for details.

## **Implementation**

The Governor in Council may implement the Change Commission's recommendation under a regulation.

The regulation may provide for anything that is necessary or convenient to facilitate the implementation of the local government change.



Pat Vidgen PSM  
**Electoral Commissioner**  
**Local Government Change Commission**

# **APPENDIX A**

## **Minister's Referral**



Minister for Local Government,  
Minister for Racing and  
Minister for Multicultural Affairs



Our ref: MC18/4102

17 AUG 2018

Mr Pat Vidgen PSM  
Acting Electoral Commissioner  
Electoral Commission Queensland  
GPO Box 1393  
BRISBANE QLD 4001

1 William Street  
Brisbane Queensland 4000  
PO Box 15009  
City East Queensland 4002  
Telephone +61 7 3719 7560  
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Website [www.dlgma.qld.gov.au](http://www.dlgma.qld.gov.au)

ABN 65 959 415 158

*7/11/18. → Wael,  
For LGCC  
consideration.  
Also should reply  
for me to acknowledge  
Minister's letter.  
Act  
21/8*

*Dear Pat*

I refer to the enclosed application of 2 July 2018 from the Toowoomba Regional Council requesting a review of its boundaries with the South Burnett Regional Council.

In accordance with Chapter 2, Part 3 of the *Local Government Act 2009*, I refer the Toowoomba Regional Council's application for assessment of the following boundary change:

- Lot 155 on FY2699 containing an area of 3.84 hectares to be wholly incorporated within the Toowoomba Regional Council.

The enclosed application includes documentation showing support for this proposal from both the South Burnett Regional Council, as the other affected Local Government, and the affected landowner.

If you require further information, I encourage you to contact Mr Damon Meadows, Senior Advisor, Local Government and Regional Services (South) in the Department of Local Government, Racing and Multicultural Affairs on 4616 7314 or by email at [damon.meadows@dlgrma.qld.gov.au](mailto:damon.meadows@dlgrma.qld.gov.au).

Yours sincerely

  
**STIRLING HINCHLIFFE MP**  
Minister for Local Government,  
Minister for Racing and  
Minister for Multicultural Affairs

Enc

# **APPENDIX B**

## **Councils' Submissions**

COPY

Our Reference: CRN#1086325  
DM#8135788  
Contact Officer: Brenda Kelly  
Telephone: 07 4688 6964

2 July 2018

Mr Hon. Stirling Hinchliffe MP  
Minister for Local Government, Racing and Multicultural Affairs  
PO Box 15009  
CITY EAST QLD 4002

Dear Minister,

**Re: Local Government Boundary Anomalies -- Toowoomba Regional Council and South Burnett Regional Council**

I seek your consideration to propose to the Local Government Change Commission, a minor change to the local government area boundary shared by Toowoomba Regional Council and South Burnett Regional Council by removing Lot 155 FY2699 from the South Burnett Local Government Area (LGA) and incorporating this lot into the Toowoomba LGA.

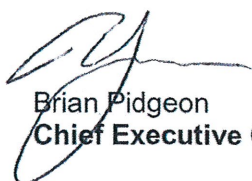
The Department of Natural Resources, Mines and Energy has identified a portion of the boundary between Toowoomba and South Burnett LGAs dissects two (2) allotments under the same ownership. Lot 155 FY2699 (3.84 hectares) is currently part of South Burnett Regional Council and Lot 208 CSH1552 (257 hectares) is currently part of Toowoomba Regional Council. These lots are suited to a minor local government boundary change involving the moving of the existing boundary to the centreline of the New England Highway resulting in Lot 155 FY2699 falling within the Toowoomba LGA.

The owner of the two (2) lots has provided 'in principal' support to the boundary change to your Department. South Burnett Regional Council have resolved to offer no objection to the minor boundary change (copy of resolution attached) and Toowoomba Regional Council have also resolved to make this change (copy of resolution attached).

This proposed minor boundary change is not a significant change for either Council but will assist the owner of the land with having to deal with only one (1) Council for rate payments and other Council business. It is expected that the ratepayer will also benefit by saving approximately \$700 per annum in rate payments.

Should you have any further questions regarding this issue, please do not hesitate to contact Brenda Kelly, Acting Manager Governance on 4688 6964.

Yours sincerely



Brian Pidgeon  
Chief Executive Officer

**Title**        **P&LM - 2481321 - Requesting Council review and determine support of a minor local government boundary change between Toowoomba Regional Council & South Burnett Regional Council at New England Highway Neumgna - L155 FY2699**

### **Summary**

A portion of the boundary between the Toowoomba and South Burnett Regional Local Government Area's (LGA's) dissect two (2) lots under the same ownership with Lot 155 FY2699 part of South Burnett Regional while 208 CSH1552 is part of the Toowoomba Regional LGA.

The Department of Natural Resources, Mines and Energy (DNRME) has identified the following lots as suited to a minor local government boundary change. Council's view on a boundary change by way of movement of the boundary to the centreline of the New England Highway which is the logical boundary alignment is requested.

### **Officer's Recommendation**

That Council offer no objection to a minor local government boundary change between Toowoomba Regional Council & South Burnett Regional Council at New England Highway Neumgna - L155 FY2699 to transfer the identified allotment from South Burnett Regional Council to Toowoomba Regional Council.

### **Resolution:**

*Moved Cr TW Fleischfresser, seconded Cr RLA Heit.*

*That the Officer's Recommendation be adopted.*

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*



**6.5 Finance and Business Strategy Committee - 13 June 2018**

- 01 Sale of Land for Overdue Rates or Charges
- 02 Proposed Minor Boundary Change - Toowoomba and South Burnett Regional Councils

**MOTION**

Moved by Cr. M.A. Williams, seconded by Cr. M. O'Hara Sullivan

That the Report of the Finance and Business Strategy Committee dated 13 June 2018 be received and the recommendations therein be adopted.

**CARRIED**

Item No.	<b>02</b>
REPORT TITLE	<b>Proposed Minor Boundary Change - Toowoomba and South Burnett Regional Councils</b>
AUTHOR	Acting Manager, Governance (Brenda Kelly)

## **PURPOSE OF REPORT**

To seek Council endorsement of a proposal to alter the local government area boundary between South Burnett Regional Council and Toowoomba Regional Council, in the Upper Yarraman locality.

## **EXECUTIVE SUMMARY**

A portion of the boundary between South Burnett and Toowoomba Local Government Areas (LGAs) dissect two (2) lots under the same ownership with Lot 155 FY2699 part of South Burnett Regional Council and Lot 208 CSH1552 part of Toowoomba Regional Council.

The Department of Natural Resources, Mines and Energy (DNRME) has identified the lots as suited to a minor local government boundary change. Council's view on a boundary change by way of movement of the boundary to the centreline of the New England Highway, which is a logical boundary alignment, is requested.

The owner of the two (2) allotments has been contacted by the Department of Local Government, Racing and Multicultural Affairs (DLGRMA) and given support for the boundary change and to have both allotments within Toowoomba Regional Council boundaries. South Burnett Regional Council has also advised DLGRMA that this matter has been considered and confirmed that it has no objection to the proposed minor boundary change.

## **RECOMMENDATION**

That the Minister for Local Government, Racing and Multicultural Affairs be requested to propose a minor change to the local government area boundary shared by Toowoomba Regional Council and South Burnett Regional Council to the Change Commission by removing Lot 155 FY2699 from the South Burnett Local Government Area and incorporating this lot into the Toowoomba Local Government Area.

## **REASONS FOR RECOMMENDATION**

The proposed minor boundary change will be of benefit to the current owner of Lots 155 FY2699 and 208 CSH1552, have negligible impact on both South Burnett and Toowoomba Regional Councils, and will follow the New England Highway centreline alignment rather than dissecting a rural allotment.

## **COMMITTEE RECOMMENDATION**

That the Minister for Local Government, Racing and Multicultural Affairs be requested to propose a minor change to the local government area boundary shared by Toowoomba Regional Council and South Burnett Regional Council to the Change Commission by removing Lot 155 FY2699 from the South Burnett Local Government Area and incorporating this lot into the Toowoomba Local Government Area.



**COUNCIL DECISION - 21 JUNE 2018****(Finance and Business Strategy Committee - 13 June 2018 - Item No. 02)**

Committee Recommendation adopted by Council at its Ordinary Meeting of 21 June 2018.

**ACTION TO BE TAKEN**

<b>Item No.</b>	<b>Action Officer</b>	<b>Action</b>
02	Brenda Kelly	Please instigate all follow up action from Council's decision.

**CORPORATE PLAN REFERENCE**

7.2.1 - Continually review and enhance service delivery to ensure Council's responsiveness to customer and community expectations.

**BACKGROUND**

A portion of the boundary between South Burnett and Toowoomba Local Government Areas (LGAs) dissect two (2) lots under the same ownership with Lot 155 FY2699 part of South Burnett Regional Council and Lot 208 CSH1552 part of the Toowoomba Regional Council.

DNRME has identified the lots as suited to a minor local government boundary change. This change involves moving the existing boundary to the centreline of the New England Highway resulting in Lot 155 FY2699 falling within the Toowoomba LGA. Refer to **Attachment 1** - map of the proposed minor boundary change.

Lot 155 FY2699 is approximately 3.84 hectares in size and Lot 208 CSH1552 is approximately 257 hectares in size. Lot 208 CSH1552 is rated in our Medium Intensity Rural rating category and should Lot 155 FY2699 be added, it will either have no impact or minimal impact on the level of rates and charges.

This proposed minor boundary change is not a significant change for either Council, but will assist the owner of the land with having to deal with only one (1) Council for rate payments and other Council business.

**CONSULTATION UNDERTAKEN**

- Department of Local Government, Racing and Multicultural Affairs
- Department of Natural Resources, Mines and Energy
- South Burnett Regional Council
- Property Owner

**ISSUES, RISKS AND RESPONSES**

The owner of the two (2) allotments has been contacted by the DLGRMA and given support for the boundary change and to have both allotments within Toowoomba Regional Council boundaries. South Burnett Regional Council has also advised DLGRMA that this matter has been considered and confirmed that it has have no objection to the proposed minor boundary change.

Under Sections 18 and 19 of the *Local Government Act 2009* only the Minister may propose a local government change to the Change Commission. The Change Commission is responsible for assessing whether a local government change proposed by the Minister is in the public interest. Toowoomba Regional Council will be required to submit to the Minister a request to seek a boundary change for this proposal to be considered by the Change Commission.

A consequential issue arising from this boundary change is the need to amend the Toowoomba Regional Planning Scheme to include this particular area in the planning scheme. Any amendment to the Planning Scheme will reflect and be consistent with the zones of adjoining properties.

**FINANCIAL / RESOURCE IMPLICATIONS**

The proposed change to the boundary is not expected to have any financial or resource implications. The proposed change would result in an immaterial change to rates and charges income.

**CONCLUSION**

The proposed minor boundary change would be of benefit to the ratepayer having only to deal with one (1) Council rather than the current arrangement of dealing with both South Burnett and Toowoomba Regional Councils. Both the ratepayer and South Burnett Regional Council have indicated their support for this proposal.

**ATTACHMENT**

Attachment 1 of 1 Toowoomba and South Burnett Boundary Map

**From:** Peter O'May  
**Sent:** Monday, 21 May 2018 9:48 AM  
**To:** Darren Foster  
**Subject:** Minor local government boundary change - Toowoomba Regional Council and South Burnett Regional Council

Darren

I refer to the below request and confirm the matter was considered at Council's General meeting on 18 April 2018.

I have attached an extract from the meeting minutes confirming Council's non-objection to the proposed minor boundary change.

If you have any queries do not hesitate to contact me.

Cheers

**Peter O'May**  
**General Manager Corporate Services**  
South Burnett Regional Council  
PO Box 336  
KINGAROY QLD 4610  
☎ 07 4189 9100  
☎ 07 4162 4806  
✉ [peter.omalay@southburnett.qld.gov.au](mailto:peter.omalay@southburnett.qld.gov.au)  
[www.southburnett.qld.gov.au](http://www.southburnett.qld.gov.au)

**Title            P&LM - 2481321 - Requesting Council review and determine support of a minor local government boundary change between Toowoomba Regional Council & South Burnett Regional Council at New England Highway Neumgna - L155 FY2699**

## **Summary**

A portion of the boundary between the Toowoomba and South Burnett Regional Local Government Area's (LGA's) dissect two (2) lots under the same ownership with Lot 155 FY2699 part of South Burnett Regional while 208 CSH1552 is part of the Toowoomba Regional LGA.

The Department of Natural Resources, Mines and Energy (DNRME) has identified the following lots as suited to a minor local government boundary change. Council's view on a boundary change by way of movement of the boundary to the centreline of the New England Highway which is the logical boundary alignment is requested.

## **Officer's Recommendation**

That Council offer no objection to a minor local government boundary change between Toowoomba Regional Council & South Burnett Regional Council at New England Highway Neumgna - L155 FY2699 to transfer the identified allotment from South Burnett Regional Council to Toowoomba Regional Council.

## **Resolution:**

*Moved Cr TW Fleischfresser, seconded Cr RLA Heit.*

*That the Officer's Recommendation be adopted.*

*Carried 7/0  
FOR VOTE - Councillors voted unanimously*

## Damon Meadows

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**From:** Janice Otto  
**Sent:** Friday, 9 March 2018 4:20 PM  
**To:** Damon Meadows  
**Subject:** Shire boundary alignment

Dear Damon,

I agree in principle to removing our small parcel of land from the South Burnett shire and having it all in the TRC. Look forward to hearing from you about this. Thanks.

Janice D Otto

# **APPENDIX C**

**Land Owner's Submission**

**From:** [Janice Otto](#)  
**To:** [LG Boundaries](#)  
**Subject:** Boundaries  
**Date:** Saturday, 13 October 2018 9:37:09 AM

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Dear Sir,

I am wholly in support of Lot 155 on FY2699 ...SBRC being transferred to be incorporated with Lot 208 on CSH 1552 with the TRC.

This is in reply to your email.

Yours truly.....Janice Diane Otto...Upper Yarraman.



File number: 458

Your reference: MC18/4102

9 October 2018



Ms Janice Otto

UPPER YARRAMAN QLD 4614

Email: [REDACTED]

Dear Ms Otto

I write to you in my capacity as the Commissioner of the Local Government Change Commission, an independent body established under the *Local Government Act 2009* to assess proposed changes to local government areas.

On the 21 August 2018, I received a referral from the Minister for Local Government requesting the Change Commission assess a proposed change to the boundary between the Toowoomba Regional Council (TRC) and South Burnett Regional Council (SBRC). At present the boundary between these councils dissects two lots, both of which I understand are owned by you:

- Lot 155 on FY2699, located in the SBRC; and
- Lot 208 on CSH1552, located in the TRC.

The Minister's correspondence included documentation from the TRC, SBRC, and an email between you and Mr Damon Meadows from the Department of Local Government, Racing and Multicultural Affairs, indicating support for the proposed transfer of Lot 155 on FY2699 to be wholly incorporated within the TRC.

As the only landholder impacted by the proposal, I write to ask if you are still supportive of this change. I have enclosed a map of the proposed change to assist you in making your decision. If you could please provide your written answer to the Change Commission at [LGboundaries@ecq.qld.gov.au](mailto:LGboundaries@ecq.qld.gov.au) or GPO Box 1393, Brisbane, Queensland 4001. Once we have received your response, the Change Commission will finalise its assessment and advise you of the results of its review.

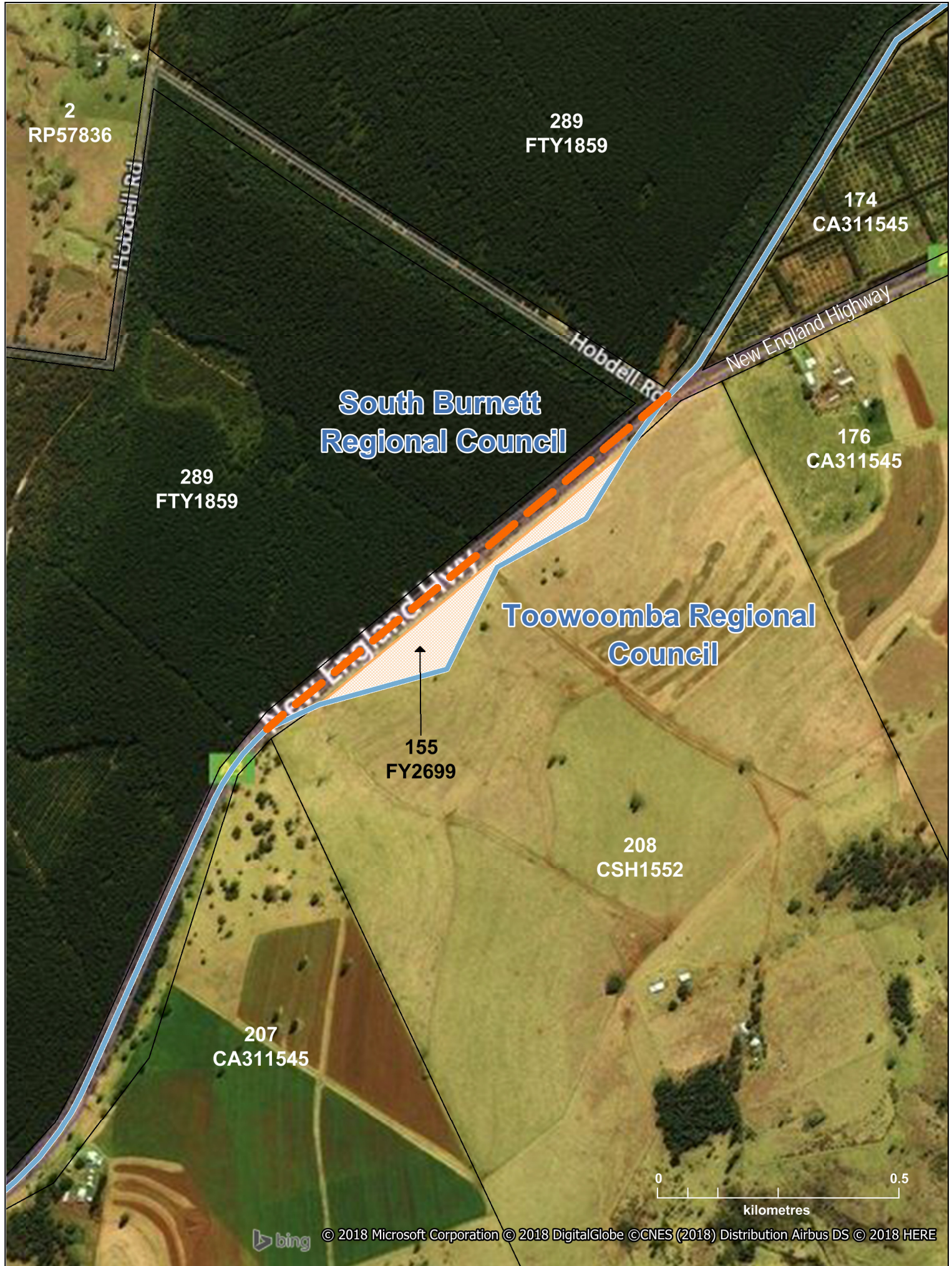
Should you require any further information, please don't hesitate to contact Ms Elise Arklay (Secretary) or Ms Katherine Bail (Assistant Secretary), on 1300 881 665 or email [LGboundaries@ecq.qld.gov.au](mailto:LGboundaries@ecq.qld.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to be 'Pat Vidgen', is written over the typed name.

Pat Vidgen PSM  
Electoral Commissioner





Review Area



Proposed Boundary Modification



Current Local Government Boundary

# APPENDIX D

## Overview and Detailed Maps



Overview Map:    Review to transfer Lot 155 Plan FY2699 to Toowoomba Regional Council

